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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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8 Arizona Broadcasters Association, *et al.*,

9 Plaintiffs,

10 v.

11 Mark Brnovich, *et al.*,

12 Defendants.
13

No. CV-22-01431-PHX-JJT

ORDER

14 This matter having recently come before this Court,

15 **IT IS HEREBY ORDERED** that motions to dismiss pursuant to Fed. R. Civ. P.
16 12(b) and motions to strike pursuant to Fed. R. Civ. P. 12(f) are discouraged if the defect
17 that would be the subject of the motion can be cured by filing an amended pleading.
18 Therefore, the parties must meet and confer prior to the filing of a motion to dismiss or
19 motion to strike to determine whether it can be avoided. Consequently, motions to dismiss
20 and motions to strike must be accompanied by a separately-filed notice of certification of
21 conferral, stating that the parties have conferred to determine whether an amendment could
22 cure a deficient pleading and that they have been unable to agree that the pleading is curable
23 by a permissible amendment. **The Certification of Conferral shall include a brief**
24 **summary of the issues the parties discussed but were unable to resolve.** In addition,
25 parties shall endeavor not to oppose motions to amend that are filed prior to the Rule 16
26 Scheduling Conference or within the time set for the Rule 16 Case Management Order.
27 Motions to dismiss and motions to strike that are not accompanied by the required
28 certification are subject to striking on the Court's own motion.

Dated this 12th day of September, 2022.

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